



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 12, 2023

BY ECF

Hon. Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

**Re: *United States v. Joshua Adam Schulte,*
S2 17 Cr. 548 (JMF)**

Dear Judge Furman:

The Government respectfully writes to advise the Court that the parties have conferred and agree on the following proposed instruction to the jury regarding the display of redacted child sexual abuse materials and the introduction of child erotica evidence during the testimony of Special Agent Spivack:

Ladies and gentlemen, as I mentioned at the start of trial, the images you are about to see will include some images of child pornography. Because this is a public criminal trial, I have ordered that these materials be displayed briefly in their original form to you, and then briefly to you and to the public gallery with redactions so as to protect the identity of victims. That is why in some instances you will see some of these images in two different forms.

Additionally, you are also going to see an example of what Special Agent Spivack described as child erotica. I want to remind you that the defendant is not on trial for possessing images of child erotica, and possessing child erotica is not illegal. You may, however, consider it as you would other evidence in this case regarding the charged offenses, which as you know are the receipt, possession, and transportation of child pornography.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by: /s/
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cc: Defense counsel (by ECF)